THE HONOURABLE SRI JUSTICE K.C. BHANU

W.P. No. 21594 of 2005

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Dated: 07.10.2005

Between:-

M/s Raghava Infrastructure Pvt. Ltd

Represented by its Managing Director

Sri Thelapalli Raghavaiah.

…Petitioner

And

The Sub-Inspector of Police, Kovur Police Station, Kovur

Nellore District and 3 others.

…Respondents

THE HONOURABLE SRI JUSTICE K.C. BHANU

W.P. NO. 21594 of 2005

O R D E R

This writ petition is filed seeking Mandamus to declare the action of the 1st respondent in not filing the final report into the Court of the Additional Judicial Magistrate of First Class, Kovur, Nellore District, pursuant to the registration of F.I.R.

No. 83 of 2005 before the first respondent herein and further action of respondents 2 to 4 in not directing the first respondent to file the final report into court as arbitrary and illegal and consequently direct the first respondent to file the final report before the said court.

The main grievance of the petitioner is that it engaged in doing civil contract works and M/s Soma Enterprises Ltd., was awarded the contract of laying Nellore Bye-pass road on National Highway No.5 and the said company appointed the petitioner as its sub-contractor for excavation and transportation of the gravel for the formation of Nellore Bye-pass on N.H-5 from KM 172.840 to KM. 178.200 and as per the agreement between the parties, the petitioner started work on 1.6.2002. The agreed rate of remuneration is Rs. 27/- per cum, mtr. For the first kilometer and Rs. 4/- more for every additional cu.mtr. thereon. Accordingly, the petitioner has completed the agreed excavation of gravel. The Managing Director of the said company with a view to defraud and cheat the petitioner entered into a criminal conspiracy with Prof. S.R. Gandhi and G.R.Dodagounder and created a report wherein it is stated that when fly ash is mixed with gravel, the volume of the gravel increases as per the quantity of fly ash added. The petitioner has approached the said company several times requesting to pay the due amount of Rs. 68,58,636/- to it, but the said company did not pay the same to the petitioner and accordingly the petitioner has filed a complaint before the first respondent which was registered as F.I.R. No. 83 of 2005 dated 21.06.2005 against Maganti Rajendra Prasad, the Managing Director of the company and others punishable under Sections 196, 199, 120(B), 403, 406, 418 and 420 IPC and the said F.I.R. was submitted to the Court of the Additional Judicial Magistrate of First Class, Kovur, Nellore District. Though the above complaint was registered as far back as on 21.06.2005 and though the investigation in the matter has been completed, the first respondent has not filed the final report into the court. Hence the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is the statutory duty of the police to register a case on the complaint and file final report under Section 173 Cr.P.C. before the concerned court. In this case the F.I.R. was registered on 21.06.2005. According to the learned counsel for the petitioner the entire investigation is completed, but the final report has not been filed into the

Court.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, at the admission stage, directing the first respondent to file final report in F.I.R. No. 83 of 2005 before the Additional Judicial Magistrate of First Class, Kovur, Nellore District, if investigation is completed, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is accordingly disposed of at the admission stage. No costs.

K.C. BHANU, J

7th October, 2005

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